

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HORACE ABNEY,

Plaintiff,

- against -

JOHN MCGINNIS, MARIO MALVAROSA, PAUL  
WILSON, ANN ARCKERT, MICHAEL DIPOMPO, and  
JOHN and JANE DOE,

Defendants.

**DECLARATION OF  
ROSE M. WEBER**

01 Civ. 8444 (SAS) (FM)

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**ROSE M. WEBER**, an attorney duly admitted to practice in the State of New York and before this Court, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the following statements are true:

1. I am the attorney for plaintiff Horace Abney, and as such I am familiar with the pleadings and proceedings heretofore had herein. I submit this declaration in opposition to defendants' motions for summary judgment pursuant to Fed. R. Civ. P. 56.

2. In opposition to defendants' motions, plaintiff submits the exhibits described below:

- Annexed as Exhibit "A" are excerpts from the transcript of plaintiff's deposition, taken May 16, 2006.
- Annexed as Exhibit "B" are excerpts from the transcript of the deposition of Mario Malvarosa, taken August 25, 2006.
- Annexed as Exhibit "C" are excerpts from the transcript of the deposition of John McGinnis, taken August 29, 2006.

Dated: New York, New York  
December 15, 2006

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/s/  
Rose M. Weber (RW 0515)  
Attorney for Plaintiff  
225 Broadway, Suite 1608  
New York, NY 10007